

### REMARKS

Claims 1-13 are pending in this application. Entry of amendments provided herein is respectfully requested. After entry of amendments herein, claims 1-13 remain pending.

### **Correction of Specification Informalities**

Applicant has amended paragraph 0027 of the specification to read "dual tone multiple frequency ("DTMF")" rather than "dual tone multiple frequency ("DTMP")". Applicant respectfully submits that this provides the required correction to the specification.

### **Claim Objections**

As to the objection of Claim 4, Applicant has amended line three of this claim by deleting the repetitive phrase "least one". Entry of this amendment is respectfully requested.

### **Claim Rejections – 35 USC 102**

Claims 1, 2, 5 and 7 stand rejected under 35 USC 102(b) as being allegedly anticipated by Wierzbicki et al. (U.S. Patent 6,226,513).

Claim 1 is directed to a method to enable and disable a first muting function during a multi-telephone conference call, comprising, inter alia, implementing a system in a central office. The specification states that "... the present invention utilizes the Central Office call switching facility of the telephone system that is handling the standard or conference call in need of a mute function." (paragraph 006). That same paragraph continues:

There are a number of approaches to design and operation of Central Office switching facilities. Some of these are described in the following patent and non-patent references: U.S. 3,733,439 to Verhille et al.; U.S.

4038638 to Hwang; 4,173,713 to Giesken et al.; U.S. 5,544,163 and U.S. 6,522,646 to Madonna; U.S. 6,055,237 to Hebert et al., and "Mathematical Theory of Connecting Networks for Telephone Logic" by V. E. Benes, Academic Press, 1965, the entire text, and particularly Chapter 4.

Paragraph 009 also is instructive as to the meaning of 'central office' as used in the claims:

[009] One embodiment of the present invention is a muting service offered by the telephone company that operates the Central Office ("CO") through which the telephones of a telephone conversation are routed. The telephone company offers one or more variants of a central office-enabled muting function service to which users may subscribe. A user subscribes to one of various types of the muting function service for a specified additional monthly fee. Then the telephone company adds the muting function service to that user's telephone number in its Central Office ("CO") database. As discussed in detail below, the adding of this capability includes the recognition of specific messages made by the user's keypad strikes as instructions to turn a mute function on or off.

Also, paragraph 25 states that ". . . it is recognized that the sound signals may be transmitted from a particular telephone unit, depending on the telephone being used, by wire, by wireless, or by a combination of wire and wireless mechanisms." Further, paragraph 26 indicates that under normal operating conditions sound from one telephone to another telephone is transmitted ". . . via routing through the Central Office, 15."

Thus, a central office as used in the specification and claims refers to the centralized telephone call switching facility in which a particular telephone's telephone number has a dedicated identification, identifier, or locus (such as particular to a specific exchange), and that links two (or more) telephones, whether these telephones are serviced by wire or wireless mechanisms. Advantages of providing central-office enabled muting functions, as provided in the claims, include: concentration of control of muting of multi-party conference calls (such as at one Central Office servicing the leader, see table on page 13 and paragraph 42 of specification); ability to implement the muting method and

system in a branch exchange system (see paragraph 46 of specification); and ability to provide these muting functions to both wired and wireless telephone subscribers.

In contrast, the Wierzbicki et al. patent discloses a wireless network mute feature implemented at a mobile switching center, presumably one of many such mobile switching centers, that for a period of time happens to be nearest a wireless telephone that is sending a mute-related signal. This adds at least one level of complexity to the serial path for muting, and also spreads the system horizontally (into numerous MSCs). For telephone calls in which the parties are not serviced by the same cell (or cells serviced by one MSC), the muting operation at the MSC represents a function adding a step that is not taken at a Central Office. Further, by not addressing a method or system that provides muting control from wired telephones as well as from wireless telephones, the Wierzbicki et al. patent is addressing a more limited problem, and finding a different and more limited solution than the present invention. Also, although not directly related to claims 1, 2, 5 and 7, the solution advanced in the Wierzbicki et al. patent does not appear adaptable to one leader of a multiparty conference call controlling the selective muting of various participants of such call. In contrast, the present invention is not so limited (see table in specification).

Based on these differences, independently and/or in combination, and because the Wierzbicki et al. patent does not teach claim 1's method "... comprising implementing a system in a central office . . .", the Wierzbicki et al. patent does not anticipate claims 1 nor claims 2, 5 and 7 that depend from claim 1. The nature and the location of the muting activity cannot be properly stated to be the same. Accordingly, withdrawal of this basis of rejection for these claims is respectfully requested.

Also, in view of the differences described above, it is clear that the Wierzbicki et al. patent teaches away from the present invention, and there is no suggestion, teaching or motivation in it to be combined with another to achieve the present invention.

Claims 10-12 stand rejected under 35 USC 102(b) as being allegedly anticipated by Bradshaw, Jr. (U.S. Patent 6,236,854). The Office action alleges that, as to claim 10, ". . . Bradshaw teaches a telephone system central-office enabled muting service (col. 2, line 40 and lines 56-60) . . . ". However, as exemplified by the preamble of claim 1 of the Bradshaw patent, that disclosure is directed to "Circuitry for supporting multiple party wireless conference calls . . . ". This is directed to a more limited problem, and does not appear to address how to include wired telephone participants. As to functionality and operation, the Bradshaw system employs logic circuitry 110A that may reside either in each base station (BS 110) of a wireless system, or in a mobile switching center (see col. 4, lines 14-34). As discussed above with reference to the rejection of claims 1, 2, 5 and 7, these locations for such muting logic and switches are not the same as a central office as described in the present application.

Accordingly, the use of the Bradshaw patent as an anticipatory reference to claim 10 is not appropriate. At a minimum, as to claim 10, Bradshaw does not teach the step of claim 10c, ". . . providing ongoing actuation of muting options within said specific set based on receipt in said central office of said one or more keypad signals, or combination of keypad signals, . . . ". (underline emphasis added).

The same fundamental difference applies to the rejections of claims 11 and 12 which depend from claim 10. In summary, the Bradshaw patent discloses a mute method and apparatus implemented at a base station or a mobile switching center, presumably one of many such base stations and mobile switching centers in a wireless system, that for a period of time happens to be nearest a wireless telephone that is sending a mute-related signal. It is clear that such difference defeats the present rejection of claims 10-12, as the nature of the location, and the method and the apparatus of the muting activity cannot be properly stated to be the same as is described in the present application. Accordingly, withdrawal of this basis of rejection for these claims is respectfully requested.

Further, in that the Bradshaw patent is directed to providing circuitry for supporting multiple party wireless conference calls where that circuitry may reside either in each base station or in a mobile switching center, and does not provide for use by and/or connection to wired telephone users, and in that the present invention is not so limited, and provides for wider functionality by having a central-office enabled system and method that may be designed to include wired telephone users, the Bradshaw patent teaches away from the present invention. As such, it cannot be properly stated to teach or provide a motivation to be combined to provide the present invention. Accordingly, the Bradshaw patent is not an appropriate reference for use in an obviousness rejection.

**Claim rejections – 35 USC 103**

Claims 3-4, 6, and 8-9 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Wierzbicki et al. (U.S. Patent 6,226,513) in view of Bradshaw, Jr. (U.S. Patent 6,236,854). Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshaw, Jr. (U.S. Patent 6,236,854) in view of Yeh et al. (Publ. No. US 2004/0006595).

Based on the reasoning and distinctions provided above in the section dealing with the 35 USC 102 rejections, the Wierzbicki et al. and the Bradshaw patents do not teach elements of the present invention.

More specifically, the Wierzbicki et al. and the Bradshaw patents employ muting at remote and widely dispersed base stations or MSCs of wireless systems, and do not provide for broad utilization of all features by, for example, a wired telephone user. The Yeh et al. reference is directed to a multiparty conferencing across the Internet, which does not employ a telephone system Central Office. Because these references utilize remotely dispersed stations or MSCs to house their functionality, or are related to

Internet communication, and do not provide for muting control by a wired telephone user, no combination of these references can result in the claimed invention. Also, there is no suggestion or motivation within these references to combine them to achieve a central-office enabled muting method or system that would provide for use by a wide range of telephone users, i.e., not restricted to a particular wireless telephone company's system, and one that would include functionally equal access to muting control functions by a wired telephone user. Thus, it is inappropriate to use these references in the present obviousness rejections.

Further as to the Wlerzbicki et al. and the Bradshaw patents, in that these references teach alternative approaches to a central office-enabled method and system, effectively teaching away from the present invention, it is not appropriate that they be combined with any other references toward developing an obviousness rejection. This applies to claims 3-4, 6, and 8-9 as provided herein, and to the remainder of the claims.

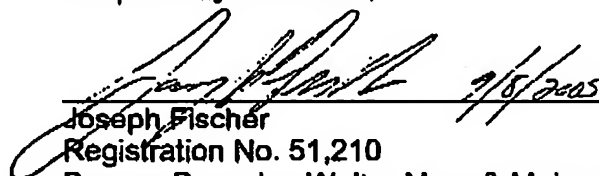
Accordingly, withdrawal of the respective bases of rejection for these claims is respectfully requested.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

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The Examiner is invited to call the undersigned if clarification is needed on any aspects of this Reply/Amendment, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

 9/8/2005  
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